

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



February 4, 1986

ALL-COUNTY LETTER NO. 86-13

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: INSTRUCTIONS FOR RELEASE OF REFUGEE CASE INFORMATION

REFERENCE: SUPERSEDES ACLs 83-89; AMENDS ACL 85-18

The purpose of this letter is to: 1) provide County Welfare Departments (CWDs), Central Intake Units (CIUs), DSS-funded service providers, Targeted Assistance (TA) coordinators and ORS approved non DSS-funded service providers, with instructions regarding the circumstances under which these agencies are authorized to release refugee case information; and 2) provide instructions to CWDs regarding procedures to be used in reporting such information to the CIUs. This letter supersedes All-County letter No. 83-89 and amends ACL 85-18. The information contained in this letter will be provided to CIUs, DSS-funded service providers and non-DSS-funded service providers under separate cover.

Welfare and Institutions Code Section 10850 and 45 Code of Federal Regulations, Part 400.11 require that individual applications and records made or kept in connection with public social services programs are confidential and shall not be open to examination for any purpose not directly connected with the administration of such programs. Thus, the purpose of the disclosure is as critical a determinant in the decision to release information, as is the identity of the person or organization requesting the information. The CWDs, CIUs, DSS-funded service providers, and ORS approved non DSS-funded providers are authorized to exchange confidential information only as necessary for the administration of public social services programs. Following are the circumstances under which release of refugee case information is allowed because it has been deemed necessary by the State Department of Social Services (SDSS) for the administration of public social services programs.

INFORMATION CWDs SHALL SHARE WITH CIUs

"Good Cause" Determinations

When "good cause" has been found by the CWD for failure to cooperate or participate in training and/or employment related activities, or for refusal to accept an offer of employment, both the "good cause" decision, and basis on which that decision was made shall be communicated to the CIU on the RS 3, Section 17 (CIU Referral Form) when the basis is specific to the particular refugee. This is necessary for the CIU to avoid making a similar inappropriate referral.

A refugee specific basis for a good cause determination includes the following:

- The employment or training program to which the refugee was referred is in excess of the refugee's mental or physical capacity (MPP Section 69-208.63d),
- The refugee is presently working in bonafide employment more than 20 hours a week (MPP Section 69-208.63h),
- The refugee has a definite offer of full-time employment or recall to full-time employment (MPP Section 69-208.63i, j),
- The refugee has a physical or mental incapacity which prevents participation in the employment or training (MPP Section 69-208.63k),
- The refugee is ill or is required to care for an ill member of the FBU (MPP Section 69-208.63l),
- Child-care arrangements not possible (MPP Section 69-208.63m),
- Transportation is not available (MPP Section 69-208.63n),
- The employment/training site is remote (MPP Section 69-208.63o),
- The refugee would be required to work for an employer contrary to the conditions of the refugee's union rules (MPP Section 69-208.63b).

Note: The CWD shall not share information on good cause determinations directly with DSS-funded service providers and/or approved non DSS-funded service providers. Providers are to obtain such information through the CIU.

When the basis for finding good cause is related to an employment or training site and is thus generally applicable to all refugees, the CWD shall communicate this information to the CIU. However, disclosure of this basis for good cause shall be made without reference to a particular refugee or group of refugees. This will provide the CIU with adequate notice that additional referrals should not be made to the affected employment or training site unless the disqualifying conditions have been remedied. An applicable basis for "good cause" determination related to an employment or training site can include:

- The training or employment was made available due to a bonafide strike or lockout (MPP Section 69-208.63a),
- The site violates health and safety laws and regulations, applicable sections of the Unemployment Insurance and Labor Codes, Federal and State minimum wage laws or civil rights laws (MPP Section 69-208.63 c,e,f,p),
- The daily or weekly hours of work exceed those customary to the refugee's occupation (MPP Section 69-208.63g).

Sanctions

In those counties where RRP or TA funded programs exist, the CWD shall make mandatory referrals of appropriate nonexempt applicants/recipients to the local RRP-funded projects and sanction (deny or discontinue assistance) refugees who, except for "good cause", fail to register and/or participate in training, or refuse a job offer. The CWDs shall provide to the CIU any information necessary for the CIU to complete the counseling interview requirements of the sanctioning process, including the refugee's current address and phone number. The CWD shall also provide the CIU with verification that a nonmandated refugee is on public assistance in order that the CIU may establish priority groups for services. This may be through verbal or written communications between the CWD and the CIU. The actual method for accomplishing this is to be developed jointly by the CWD and CIU.

As a follow-up process to sanctioning, the CWD should notify the CIU within 15 days when a client is sanctioned so that the CIU can discontinue treating the client as a mandatory participant in training/employment related activities. This notice will prevent unnecessary tracking and reporting by the CIU of nonmandatory clients to the CWD. Counties shall use the RS 3, Section 17 for reporting this information to the CIU.

The CWD should also notify the CIU within 15 days when a client appeals a sanction and becomes involved in the fair hearing process. This will not only keep the CIU apprised of the client's status, but provides the CIU with information which allows it to operate a more effective social services delivery system through full utilization of all training and employment slots vacated by sanctioned individuals. For purposes of fair hearing reporting the CWD is to utilize the RS 3, Section 17.

Documentation to Support Good Cause Determinations and/or Sanctions

If the CIU is not providing the CWD with adequate or proper documentation on the RS 3C (Nonparticipation Interview Report Form) to support a good cause determination or sanction, the CWD must make a cooperative effort to work with the CIU to ensure that appropriate information is provided in the future.

It is important for CWDs to realize that the need for feedback is seen as a very important tool for reinforcing the importance of careful tracking and reporting throughout the employment services and training system. It is also important for CIU staff involved in one-to-one counseling situations to know that sanctions will occur in those cases where clients fail to cooperate and/or participate in training or employment programs designed for them by the CIU.

INFORMATION CIUs, DSS-FUNDED SERVICE PROVIDERS, TA FUNDED PROVIDERS AND ORS APPROVED NON DSS-FUNDED SERVICE PROVIDERS MAY SHARE WITH THE CWD INCLUDES:

Any information necessary for the CWD to establish eligibility for cash and medical assistance and Title XX social services, to document registration and participation in the employment/training programs, and to determine good cause for failure to meet registration, employment or training requirements.

The CIUs shall use the following forms to share information with the CWDs, the DSS and TA-funded service providers and ORS approved non DSS-funded service providers.

- RS 3 (CIU Referral Form)
- RS 3A (Nonparticipation or Cooperation Report Contractor to Central Intake Unit)
- RS 3B (Nonparticipation Interview Appointment Letter)
- RS 3C (Nonparticipation Interview Report)

Occasionally the CWDs may need information from the service providers that is not made available to them through the CIU. In these instances, service providers in coordination with the CWDs may use whatever method is most feasible for the sharing of such information.

INFORMATION CIUs MAY SHARE WITH DSS-FUNDED SERVICE PROVIDERS AND ORS APPROVED NON DSS-FUNDED SERVICE PROVIDERS (ENGLISH/EMPLOYMENT/TRAINING) INCLUDES:

Any information necessary for the providers to evaluate the need for services, make appropriate referrals and placements, and remove barriers to training and/or employment. This includes information on the result of "good cause" determination made by the CWD and provided to the CIU.

RELEASE OF CONFIDENTIAL INFORMATION TO LOCAL HEALTH DEPARTMENTS

For release of confidential information to local health departments, please see ACL 85-05 which is still in effect.

REQUESTS FOR INFORMATION FROM OTHER PARTIES

CWDs, CIUs, DSS and TA-funded service providers, and ORS approved non DSS-funded service providers may receive requests from VOLAGs or other interested parties for confidential information. Access to information maintained by these agencies may only be obtained via two methods:

1. A written consent form, signed by the refugee. This consent allows the requesting person or organization access to particular confidential information. However, this consent is limited to the specific inquiry.
2. Any person or organization designated as a refugee's Authorized Representative (AR) may have access to confidential information for the purpose of acting as the AR. To become the AR, the person or organization must comply with all the requirements outlined in MPP 19-005. The CWDs, CIUs, and/or DSS-funded and ORS approved non DSS-funded service providers may disclose confidential information requested by an AR upon verification of said authorization.

If you have any questions, or encounter other situations where a request for confidential information is made, please contact Ms. Laura Williams, Chief, Refugee Support Management Bureau at (916) 322-3141.

Carl B. Williams

CARL B. WILLIAMS

Deputy Director

Employment and Community Services Division

cc: CWDA

ORR-SF